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EXAMINER

STRIMBU, G

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/326,308

Applicant(s)
Y. Chu

Examiner
Gregory J. Strimbu

Group Art Unit
3634



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 5-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 7, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on July 9, 1998. It is noted, however, that applicant has not filed a certified copy of the French application No. 9,808,842 as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to because figure 1 shows the cable 3 disposed above the plate 5, however, figure 3 shows the cable 3 extending below the level of the plate 5. Figure 2 is objected to because the applicant has failed to show both ends of the axis of rotation X-X as shown in the other figures. It is suggested that the applicant show both ends of the axis X-X in figure 2 to avoid confusion. The drawings are objected to because the applicant has failed to use arrowheads consistently throughout the drawings. For example, in figure 3 the lead line for reference character 9 does not end with an arrowhead, however, the lead line for the same reference character in figure 4 ends with an arrowhead. To avoid confusion, it is suggested that the applicant maintain the consistent use of arrowheads throughout the drawings. Figure 5B is objected to because it does not include the axis X-X as set forth on line 26 of page 4. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "I" on line 19 of page 3, "S" on line 25 of page 3. Correction is required.

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Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the flange of the drum. See claim 5.

The abstract of the disclosure is objected to because "the cable" on lines 3 and 7 is confusing since it is unclear which of the two cables set forth above the applicant is referring to. On line 4, "by outer side ramp" and "angled on" are grammatically incorrect and confusing. On lines 4-5, "The ramp is designed between" is confusing since it is unclear how an element is designed between two other elements. Finally, the abstract is objected to because "an angle" on line 7 is confusing since it is unclear what element of the invention the insertion of the cable is angled with respect to. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: on line 24 to line 26 of page 1, "it is no longer . . . which must be eliminated" is grammatically awkward and confusing; on lines 6-7 and line 9 of page 2, "that forms a unit" is confusing since it is unclear what comprises a "unit"; on line 11 of page 2, "drive fingers" is confusing since it is unclear if the applicant is referring to the drive shoes set forth above or is attempting to set forth another

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element in addition to the drive shoes; on line 13 of page 2, “angled on an axis of rotation” is grammatically awkward and confusing; on line 14 of page 2, “designed between” is grammatically awkward and confusing; on lines 13, 15 and 16, “SA” is confusing since there appears to be no figure SA; on line 14 of page 3, “prior” is confusing since it is unclear what the applicant is attempting to set forth; on line 2 of page 4, “The latter” is confusing since it is not readily apparent what element the applicant is referring to; on line 4 of page 5, “n” appears to be a typographical error. Finally, to avoid confusion, it is suggested that the applicant avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 15 as “engagement lead” on line 10 of page 4 and “cable lead” on line 14 of page 4, and referring to element 17 as “opening” on line 13 of page 4 and “housing” on line 16 of page 4.

Appropriate correction is required.

Claim Objections

Claims 6-9 and 11-13 are objected to because each claim does not begin with one capital letter and end with one period as required by MPEP 608.01(m). For example, claim 6 includes two words, “The” and “Claim”, both beginning capital letters on line 1. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

Claims 5-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "An" on line 1 of claim 5 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "angled" on line 5 of claim 5 render the claims indefinite because it is unclear what element of the invention the passage is angle with respect to. Recitations such as "said cable lead" on line 2 of claim 6 render the claims indefinite because they lack antecedent basis. Recitations such as "that permits angled introduction of said cable through said opening" on line 5 of claim 10 render the claims indefinite because it is unclear how the passage alone can permit the angled introduction of the cable. It appears that the passage and the opening of in the flange of the drum permits the angled introduction of the cable.

Recitations such as "to said passage" on line 6 of claim 10 render the claims indefinite because it is unclear what characteristic of the passage the applicant is comparing the width of the flange to. Is the applicant comparing the width of the flange to the width or the length of the passage.

Recitations such as "A vehicle window" on line 1 of claim 14 render the claims indefinite because it is unclear how a window, which usually only comprises glass, can comprise a guide rail, etc.

Recitations such as "a vehicle window" on line 2 of claim 14 render the claims indefinite because it is unclear if the applicant is referring to the window set forth above or is attempting to set forth another window in addition to the one set forth above. Recitations such as "to support said

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drum" on line 7 of claim 14 render the claims indefinite because it is unclear whether or not the drum does support the drum.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 5-14 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 3-11 of copending Application No. 09/321,030. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sessa '060. Sessa '060 discloses a vehicle window raising device comprising a support plate 43, a winding drum 10 having a flange 13 to support a cable 11, the flange 13 defines an opening 12 (as best seen in figure 7) to receive the cable lead (not numbered), and a brake box 25 to rotatably support the drum 10 adjacent the support plate 43, the brake box 25 forming a passage 19 to permit an angled introduction of the cable. The opening 12 includes a ramp (not numbered) angled relative to an axis of rotation of the drum 10, the ramp having adjacent walls (not numbered, but seen in figure 5) substantially parallel to the axis. The ramp is formed below the flange 13 in a finger 31 engageable with a complementary finger of a crank coaxial with the drum 10. The ramp is angled at approximately 45 degrees relative to the axis.

Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagishi et al. Yamagishi et al. disclose a vehicle window raising device comprising a winding drum 13 for a cable 15, the drum 13 having a flange 49 (as seen in figure 3) defining an opening 51, a hood 37 to support the drum 13 adjacent a support plate 25 and a brake box (not numbered) having a crank 33 to drive the drum 13, the hood 37 forming a passage (not numbered, but shown in figure 2) contiguous with the support plate 25 that permits an angled introduction of the cable 15 through the opening 51, the flange 49 having a width substantially equal to the passage, the flange 49 providing support for the cable 15. The opening 51 includes a ramp 53 angled relative to an axis of rotation of the drum 13, the ramp having adjacent walls (not numbered) substantially

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parallel to the axis. The ramp 53 is formed below the flange 49 in a finger (not numbered) engageable with a complementary finger of a crank coaxial with the drum 13. The passage extends along a periphery of the drum.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi et al., Matsushima, Hamaguchi, Lieb et al., Marscholl, and Yoshimura are cited for disclosing a window regulator having a braking mechanism. Ujihara et al., Sessa '071, Sessa '605, Dudley, Le Bus, Edward, German Patent Publication No. 2,441,010, and Japanese Patent Publication No. 4,140,387 are cited for disclosing a winding drum having a opening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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